

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WESTLAKE ROYAL BUILDING
PRODUCTS INC.,

Plaintiff,

v.

INNOVATOOLS INC.,

Defendant.

Case No. 23-10797

Honorable Gershwin A. Drain

Magistrate Judge Elizabeth A. Stafford

**ORDER DENYING MOTION TO COMPEL INSPECTION
(ECF NO. 48)**

InnovaTools Inc. moves to compel Westlake Royal Building Products Inc. to permit inspection of equipment by InnovaTools' attorney and technical expert. ECF No. 48. InnovaTools first served its requests for an inspection under Federal Rule of Civil Procedure 34 on July 15, 2024, and served an amended notice on July 17, 2024. *Id.*, PageID.997-998. InnovaTools sought to have the inspection before the July 31, 2024 close of discovery. *Id.*; ECF No. 18, PageID.212.

InnovaTools served its request for an inspection too late. "Absent express permission from the court, parties should assume that the discovery deadline is the end of discovery." *Boone v. Stieve*, 642 F. Supp.

3d 597, 603 (E.D. Mich. 2022). And a party has 30 days to respond to requests for inspection unless a stipulation or order states otherwise. Rule 34(b)(2)(A). So for InnovaTools' request for inspection to be timely, it had to serve the request 30 days before the July 31 discovery deadline. *Boone*, 642 F. Supp. At 603 ("Generally, the discovery deadline specifies the date on which all discovery must be completed, therefore, any document requests must be served at least 30 days prior to the discovery deadline." (cleaned up)); *Arnott v. Ashland Hospital Corp.*, No. 0:15-cv-0032, 2016 WL 7974071, at *2 (E. D. Ky. April 4, 2016) ("[A] party must serve his discovery requests at least thirty days before the court-ordered discovery deadline to be timely and to necessitate a response.").

InnovaTools' request for inspection was served too late, so the Court **DENIES** its motion to compel.

Dated: August 21, 2024

s/Elizabeth A. Stafford
ELIZABETH A. STAFFORD
United States Magistrate Judge

NOTICE TO PARTIES ABOUT OBJECTIONS

Within 14 days of being served with this order, any party may file objections with the assigned district judge. Fed. R. Civ. P. 72(a). The district judge may sustain an objection only if the order is clearly erroneous

or contrary to law. 28 U.S.C. § 636. **“When an objection is filed to a magistrate judge’s ruling on a non-dispositive motion, the ruling remains in full force and effect unless and until it is stayed by the magistrate judge or a district judge.”** E.D. Mich. LR 72.2.

CERTIFICATE OF SERVICE

The undersigned certifies that this document was served on counsel of record and any unrepresented parties via the Court’s ECF System to their email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on August 21, 2024.

s/Donald Peruski
DONALD PERUSKI
Case Manager